



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
5107 EDMONDSON PIKE
NASHVILLE, TENNESSEE 37211
(615) 781-6500

VIA CERTIFIED MAIL

October 17, 2022

James Kelly
2891 Rippavilla Way
Spring Hill, Tennessee 37174

RE: DISMISSAL

This letter serves as official notice of your dismissal from the Tennessee Wildlife Resources Agency effective November 6, 2022. You will continue to receive compensation for 10 calendar days prior to this effective date but will not report to work. In addition, you will receive a lump sum payment for any annual or compensatory leave to your credit.

My decision to dismiss you is based on your conduct as defined in the Rules of the Department of Human Resources, Chapter 1120-10-03, as well as Agency Directive No. 33, which mirror the DOHR Rules. Specifically, the following acts:

- (5) Careless, negligent, or improper use of state property or equipment;
- (6) Failure to maintain satisfactory and harmonious working relationships with the public and fellow employees;
- (11) Conduct unbecoming of an employee in state service;
- (15) Participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, institution, department, or any other segment of the state service or that would interfere with the ability of management to manage;
- (21) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination);
- (26) For the good of the service as outlined in T.C.A. § 8-30-316.

I am of the opinion that your actions by sending an unsolicited memorandum to members of the Tennessee Fish & Wildlife Commission and third-party Agency partners on Agency letterhead on September 6, 2022, was conduct that compromises your ability to successfully continue to meet the requirements of your job and undermines the credibility of this Agency. You sent the memorandum without any knowledge or approval from your chain of command, and you held yourself out as if you were speaking on behalf of the Agency, which you were not and knew you could not do. Also, you were lacking expertise and the professional credentials to opine on the subject matter of the memorandum.

On September 6, 2022, you were placed in discretionary leave with pay while the Agency

reviewed an incident in which you, from your state email account, emailed a memorandum – on Agency letterhead – to members of the Tennessee Fish & Wildlife Commission, as well as representatives of the following:

- President and CEO of the National Deer Association
- CEO of the Tennessee Wildlife Federation
- Cornell University
- USDA National Veterinary Services Laboratory
- Southeast Cooperative Wildlife Disease Study
- United States Geological Survey (USGS)
- Chronic Wasting Disease Alliance
- Association of Fish and Wildlife Agencies
- The Wildlife Society
- A member of the press

You had no authority to speak on behalf of the Agency and send the September 6, 2022, memorandum, as you did not seek approval to send the memorandum from your supervisor, your division head, your Deputy Director, or the Agency's Executive Director. Further, and contrary to State data management policy, you included links to various agency information in your memo as hyperlinks of which you hosted on your personal cloud data storage service, not on State-owned data management platform.

Prior to you sending the September 6, 2022, memorandum, you had become continuously more and more disrespectful and combative in dealing with your supervisors based on your personal disagreement with Chronic Wasting Disease (CWD) testing protocol. Your disagreement and concerns were heard by your supervisor and your division head on multiple occasions; however, you refused to recognize that the Agency's policy direction is centered on detecting CWD as early as possible and using the most advanced scientific methods to do so. It is important to note that you never attempted to exhaust all your remedies relative to your disagreement and concerns and take your concerns to your Deputy Director or the Executive Director.

Of additional concern, you established and continued a pattern of attempting to get your co-workers on "your side" and to otherwise put them in a position to agree with your point of view, when in most cases, neither you nor the subject co-workers had professional credentials or expertise in the area at issue. The Agency works closely with professionals in the specific disciplines at issue and you are not credentialed beyond your BS in Biology and MS in Wildlife.

Further, you continued to work on matters outside of your job responsibilities after being specifically instructed to cease. A specific example is on August 23, 2022, you were instructed to discontinue data work and were specifically instructed to work only on the CWD test results timeframe dashboard and to continue to train other coworkers on managing test results. You clearly disregarded that instruction.

While I appreciate you meeting with relevant staff on September 8, 2022, as part of the

Agency's review of the matter – and the Agency's review is still ongoing because of the vast amount and complexity of data that was in your possession – I note that your failure to train co-workers on the CWD test result reporting process, as you were instructed, contributed to challenges in continuity of state operations.

In conclusion, your actions of contacting professionals and peers of the Agency and the professionals in its employ discredits and calls into question your co-worker's professional reputation and compromises the Agency's public mission. I do not believe that you can be rehabilitated from such a breach of professional trust; therefore, I am left with no choice but to dismiss you from State service for your actions.

Return Receipt Requested - You are required to return your State-issued property, E.G., keys, cell phone, State-issued Identification Badge/Card and other property belonging to the State government. Please contact Randi Tarpy, Chief of Human Resources, to arrange return of any State property and to pick up your personal items.

As a preferred service employee, you may appeal this decision by filing a written complaint within fourteen (14) calendar days to Wildlife Resources Executive Director Jason Maxedon. Should you decide to file an appeal, you may obtain a Step I Appeal form from the Department of Human Resources website at <https://www.tn.gov/content/dam/tn/hr/documents/Step1Appeal.pdf>. The Step I Appeal form (or your written complaint) should be sent to Chief of Human Resources Randi Tarpy at randi.s.tarpy@tn.gov .

You may direct questions regarding the appeal procedures to Chief of Human Resources Randi Tarpy at (615) 781-6605. You may find additional information regarding the appeal procedure in the Rules of the Department of Human Resources, Chapter 1120-11.

Sincerely,


Jason Maxedon
Executive Director

Cc: Brandon Wear, Deputy Director of Field Services
Joe Benedict, Chief of Wildlife
Randi S. Tarpy, Chief of Human Resources